

February 22, 2011

CLERK, U.S. BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA



0003290114

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UNITED STATES BANKRUPTCY COURT

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EASTERN DISTRICT OF CALIFORNIA

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In re

Case No. 10-64039-A

13

JAMES GIBBS,

Chapter 7

14

Debtor(s).

D.C. No. PD-1

15

ORDER GRANTING MOTION FOR
RELIEF FROM AUTOMATIC STAY

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JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION,

LBR 4001-1 and 9014-1(f)(1)

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Movant,

DATE: February 15, 2011

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vs.

TIME: 1:30 p.m.

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JAMES GIBBS, Debtor(s); and SHERYL
ANN STRAIN, Chapter 7 Trustee,

CTRM: 11

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Respondents.

2500 Tulare Street
Fresno, CA 93721-1318

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The above-captioned matter came on for hearing on February 15, 2011 in the Courtroom of the Honorable Whitney Rimel, upon the Motion of JPMorgan Chase Bank, National Association ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of James Gibbs ("Debtor") commonly known as 31900 Success Valley

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RECEIVED

February 17, 2011

CLERK, U.S. BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

0003290114

1 Drive, Porterville, California 93257-9644 (the "Real Property"), which is legally described as
2 follows:

3 SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A
4 AND MADE A PART HEREOF .
5

6 Appearances as noted on the record.
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8 Based on the arguments of counsel, and good cause appearing therefor,
9 AND BASED ON FINDINGS OF FACT AND CONCLUSIONS OF LAW STATED ON
10 IT IS HEREBY ORDERED: THE RECORD,

11 1) The automatic stay of 11 U.S.C. § 362, is hereby terminated as to the Trustee and
12 as to the Debtor upon date of Discharge as it applies to the enforcement by Movant of all of its
13 rights in the Real Property under Note and Deed of Trust;

14 2) The 14-day stay provided by Bankruptcy Rule 4001 (a)(3) is not waived;

15 3) The court determines that this bankruptcy proceeding has been finalized for
16 purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described
17 in the motion against the subject real property.

18 Dated:

19 Feb 22, 2011
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United States Bankruptcy Judge

Exhibit A

PARCEL 1

The West half of the Northeast quarter of the Southwest quarter and the East half of the Northwest quarter of the Southwest quarter of Section 29, Township 21 South, Range 29 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California.

Excepting therefrom that portion of the East half of the Northwest quarter of the Southwest quarter of said Section 29 lying West of the East line of Parcel Map No. 1931 per Map recorded in Book 20 Page 32 of Parcel Maps, in the office of the County Recorder of said County.

Together with an easement for ingress, egress and road purposes over and across the South 20 feet of the West 800 feet of the Northwest quarter of said Section 29.

Also together with a % interest in the existing well and pump, said well and pump being North 50°57'41" East, 99.26 feet of the Southwest corner of Parcel 1 of Parcel Map No. 2356 recorded in Book 24 Page 57 of Parcel Maps, Tulare County Records.

PARCEL 2:

An easement for the existing well and appurtenances, and for the construction, installation, repair, replacement and maintenance of the existing and future waterlines, over, under, through and within a strip of land 10 feet in width, the center line of said 10-foot strip of land being more particularly described as follows, to wit:

Commencing at the Southwest corner of Parcel 1 of Parcel Map No. 2356, as recorded in Book 24 Page 57 of Parcel Maps in the office of the Recorder, County of Tulare, State of California.

Thence North 50°57'41" East, 99.26 feet to the existing well;

Thence North 34°45'56" West, 5.00 feet to the TRUE POINT OF BEGINNING;

Thence North 34°45'36" East, 82.63 feet;

Thence North 01°12'37" East, 559.60 feet to a point, said point lying 5.00 feet South of the North line of said Parcel 1, measured at a right angle;

Thence South 88°47'30" East parallel to the North line of said Parcel 1, 77.62 feet;

Thence Northerly 5.00 feet to a point in the North line of said Parcel 1, said point being South 88°47'30" East, 161.00 feet of the Northwest corner of said Parcel 1.